IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.379 OF 2005

IN

SUIT NO.329 OF 2005

...

Neeta R. Jadhav & ors. ...Plaintiffs

v/s.

Jaywant R. Jadhav & Ors. ...Defendants

...

Mr.R.B. Khanolkar for the Plaintiffs.

None for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 14TH MARCH,2006

P.C.:

This is the notice of motion taken out by the Plaintiff. Suit of the plaintiff is for a decree of partition and separate possession. Suit property is a residential flat. Only Defendant No.1 has filed the written statement. It appears from the written statement of the Defendant No.1 that the Defendant No.1 is not denying that the flat is jointly owned by the Plaintiff and Defendants Nos. 1 to 5. It also appears to be an admitted position from the written statement of Defendant No.1 that presently the flat is occupied by the Plaintiff No.1 and the Defendant No.1. In these circumstances, therefore, in my opinion, it will be appropriate to grant this Notice of Motion in terms of prayer clause (a). Accordingly it is so ordered. Motion disposed of.

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